

Union Calendar No. 151

112TH CONGRESS
1ST SESSION

H. R. 2594

[Report No. 112-232, Part I]

To prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2011

Mr. MICA (for himself, Mr. RAHALL, Mr. PETRI, Mr. COSTELLO, Mr. HULTGREN, Mr. DUNCAN of Tennessee, Mr. SHUSTER, Ms. RICHARDSON, Mr. HOLDEN, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 5, 2011

Additional sponsors: Mrs. SCHMIDT, Mr. COBLE, Mr. GUINTA, Mr. BUCSHON, Mr. LANKFORD, Mr. GARY G. MILLER of California, Mr. MEEHAN, Mr. LONG, Mr. CRAWFORD, Mrs. MILLER of Michigan, Mr. FARENTHOLD, Mr. BURGESS, Mr. FLEISCHMANN, Mr. BARLETTA, Mr. GRAVES of Missouri, Mr. CRAVAACK, Mr. LARSEN of Washington, Mr. DEFazio, Mr. SENSENBRENNER, Mr. FILNER, Ms. BROWN of Florida, Mr. SOUTHERLAND, Mr. HARRIS, Mr. LOBIONDO, Mrs. LUMMIS, Mrs. CAPITO, and Mr. RIBBLE

OCTOBER 5, 2011

Reported from the Committee on Transportation and Infrastructure

OCTOBER 5, 2011

The Committee on Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “European Union Emis-

5 sions Trading Scheme Prohibition Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The European Union has unilaterally im-

9 posed an emissions trading scheme (in this section

10 referred to as the “ETS”) on non-European Union

11 aircraft flying to and from, as well as within, Eu-

12 rope.

13 (2) United States airlines and other United

14 States aircraft operators will be required under the

15 ETS to pay for European Union emissions allow-

16 ances for aircraft operations within the United

17 States, over other non-European Union countries,

18 and in international airspace for flights serving the

19 European Union.

20 (3) The European Union’s extraterritorial ac-

21 tion is inconsistent with long-established inter-

22 national law and practice, including the Chicago

23 Convention of 1944 and the Air Transport Agree-

24 ment between the United States and the European

1 Union and its member states, and directly infringes
2 on the sovereignty of the United States.

3 (4) The European Union's action undermines
4 ongoing efforts at the International Civil Aviation
5 Organization to develop a unified, worldwide ap-
6 proach to reducing aircraft greenhouse gas emissions
7 and has generated unnecessary friction within the
8 international civil aviation community as it endeav-
9 ors to reduce such emissions.

10 (5) The European Union and its member states
11 should instead work with other contracting states of
12 the International Civil Aviation Organization to de-
13 velop such an approach.

14 (6) There is no assurance that ETS revenues
15 will be used for aviation environmental purposes by
16 the European Union member states that will collect
17 them.

18 (7) The United States Government expressed
19 these and other serious objections relating to the
20 ETS to representatives of the European Union and
21 its member states during June 2011, but has not re-
22 ceived satisfactory answers to those objections.

1 **SEC. 3. PROHIBITION ON PARTICIPATION IN THE EURO-**
2 **PEAN UNION'S EMISSIONS TRADING SCHEME.**

3 The Secretary of Transportation shall prohibit an op-
4 erator of a civil aircraft of the United States from partici-
5 pating in any emissions trading scheme unilaterally estab-
6 lished by the European Union.

7 **SEC. 4. NEGOTIATIONS.**

8 The Secretary of Transportation, the Administrator
9 of the Federal Aviation Administration, and other appro-
10 priate officials of the United States Government shall use
11 their authority to conduct international negotiations and
12 take other actions necessary to ensure that operators of
13 civil aircraft of the United States are held harmless from
14 any emissions trading scheme unilaterally established by
15 the European Union.

16 **SEC. 5. CIVIL AIRCRAFT OF THE UNITED STATES DEFINED.**

17 In this Act, the term “civil aircraft of the United
18 States” has the meaning given that term under section
19 40102(a) of title 49, United States Code.

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